

Ashley M. Gjovik, JD

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Case No. 3:23-CV-04597-EMC

ASHLEY GJOVIK, *an individual,*

Plaintiff,

v.

APPLE INC, *a corporation,*

Defendant.

RE:

**PLAINTIFF'S MOTION TO STRIKE
IMPROPER NON-PARTY AMICUS
DECLARATION**

(DOCKET NO. 62 and NO. 66)

**OBJECTIONS TO NON-PARTY'S
APRIL 30 2024
SUPPLEMENTAL DECLARATION**

HEARING:

Dept: Courtroom 5, 17th Floor (Virtual)

Date: May 16, 2024

Time: 1:30 p.m.

RESPONSE TO DOCKET NO. 66

1. Plaintiff, Ashley Gjovik, submits these Objections to the “*Supplemental Declaration*” filed by a non-party to Docket No. 66, and in support of Plaintiff’s Motion to Strike at Docket No. 64. The Motion to Strike should now be extended to cover Docket No. 62 and 66. Plaintiff’s objections are as follows:

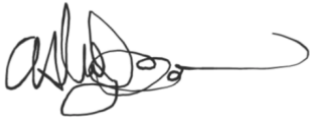
NON-PARTY EVIDENCE	PLAINTIFF’S OBJECTION	COURT RULING
<p>1</p> <p>IMPROPER FORM AND PROCEDURE</p>	<p>Improper non-party filing (claims filing is not an amicus ¶ 3 and also swears she has “<i>no stake in the outcome of the case</i>” ¶ 3, thus a request for Intervention would also be prohibited. Fed. R. Civ. Pro 24(a)(2). (Non-party also has no privacy interest as a pseudonym was intentionally used and she deliberately publicly announced her own involvement.)</p> <p>A “<i>witness statement</i>” must be filed by a party to the lawsuit, and is not appropriate for a 12(b)(6) motion. <i>In re NVIDIA Corp. Sec. Litig.</i>, 768 F.3d 1046, 1051 (9th Cir. 2014).</p> <p>Introduction of deposition or interrogatory statements requires Requests for Admission by a party to the lawsuit and in compliance with the Federal Rules of Evidence.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>2</p> <p>IMPROPER AMICUS BREIF / NON-PARTY DECLARATION</p>	<p>Improper Declaration filed from non-party without consent of parties and providing improper legal conclusions and arguments. Local Civil Rule 7-5(b); FRCP Rule 56(c)(4); Fed. R. Evid. §§ 403, 602, 701, 703; See, <i>Silver v. Executive Car Leasing Long-Term Disability Plan</i>, 466 F.3d 727, 731 n.2 (9th Cir. 2006).</p> <p>(“<i>I filed a non-party witness declaration,</i>” “<i>not an amicus</i>” ¶ 3, “<i>I am not part of Apple,</i>” ¶ 3 “<i>validity of my testimony,</i>” ¶ 4 “<i>its entirely irrelevant,</i>” ¶ 5 “<i>the appellate court decided...</i>” ¶ 5 “<i>the appellate court... proffered a motivation,</i>” ¶ 5 “<i>Apple was not involved.</i>” ¶ 5 “<i>decided I am a Public Figure...</i>” ¶ 5).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

3 FALSE	<p>Plaintiff's Docket No. 63 (re: <i>Banko v Apple</i>) is <u>not</u> in response to or related to the non-party.</p> <p><i>"Plaintiff filed two responses to my declaration ... Dockets No. 63 & 64." ¶ 2</i></p> <p>Docket No. 64 Declaration and Exhibits is 98 pages long and includes all formal petitions, court minutes, and Orders from the related litigation.</p> <p><i>"Plaintiff added a partial record... in the matter... It is entirely irrelevant and hundreds of pages long." ¶ 5</i></p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
4 HEARSAY	<p>Proffering Hearsay evidence from non-parties. (Fed. R. Evid. §§ 106, 801).</p> <p><i>("the appellate court decided..." "the appellate court... proffered a motivation" ¶ 5).</i></p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
5 NON-PARTY REQUESTS TO THE COURT	<p>Improper request to the Court to consider unsolicited non-party evidence at all, but especially for a 12(b)(6) motion. Improper requests by non-party with no standing or <i>"stake in the outcome of the case"</i> requesting to <i>"introduce exhibit[s]."</i> (Fed. R. Pro. §§ 12(b)(6), Rule 24(b)(3).</p> <p><i>"(I ask the court so show the utmost care in considering the validity of my testimony," "I am introducing Exhibit A") ¶ 4, 5.</i></p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
6 INCONSISTENT STATEMENTS	<p>Inconsistent statements made between Declarations in Docket No. 62 and 66. (Fed. R. Evid. §§ 801(d)(1)(A)).</p> <p>Docket 62: <i>"I met the Plaintiff in June 2021 while we were both employed by Apple..." ¶ 4</i></p> <p>Docket 66: <i>"The plaintiff and I did not work together and never met each other in the course of our work." ¶ 3 "A person I have never even met." ¶ 4</i></p> <p>Docket 62: <i>"The only counsel I could afford to seek that was helpful advised that I may speak to the facts about myself in support of striking..." ¶ 2</i></p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

	Docket 66: <i>“There is no one representing me... I have no legal education.” ¶ 4 Etc.</i>	
7 NO FOUNDATION	Exhibit A is not part of the court record, has not been referenced by either party’s arguments, and contains prejudicial, out of context hearsay. (Fed. R. Evid § 106, 403, 801). Provides no basis for the contents other than the documents themselves. (Fed. R. Evid. §§ 602, 701, 703). <i>“I am introducing Exhibit A” ¶ 5.</i>	Sustained: _____ Overruled: _____

Dated: MAY 1 2024

Signature:



s/ Ashley M. Gjovik

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